

SENATE BILL No. 430

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-0.5; IC 25-14.7; IC 35-52-25-14.5.

Synopsis: Licensing of electrical contractors. Establishes the electrical licensing board. Requires electrical contractors to be licensed. Establishes licensing requirements for electrical contractors. Adds references to electrical licensing to the laws that affect licensing boards.

Effective: July 1, 2015.

Niemeyer

January 12, 2015, read first time and referred to Committee on Commerce & Technology.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 430

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-0.5-3-43 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2015]: **Sec. 43. IC 25-14.7-2-1 applies to the electrical licensing**
- 4 **board.**
- 5 SECTION 2. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2015]: **Sec. 34. The electrical licensing board (IC 25-14.7-2) is a**
- 8 **board under IC 25-1-4.**
- 9 SECTION 3. IC 25-0.5-7-16 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2015]: **Sec. 16. The Indiana professional licensing agency shall**
- 12 **perform administrative functions, duties, and responsibilities for**
- 13 **the electrical licensing board (IC 25-14.7-2-1) under IC 25-1-6-3(a).**
- 14 SECTION 4. IC 25-0.5-8-38 IS ADDED TO THE INDIANA CODE
- 15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 16 1, 2015]: **Sec. 38. An occupation for which a person is licensed,**



certified, or registered by the electrical licensing board (IC 25-14.7-2-1) is a regulated occupation under IC 25-1-7.

SECTION 5. IC 25-0.5-9-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 38. The electrical licensing board (IC 25-14.7-2-1) is a board under IC 25-1-8.**

SECTION 6. IC 25-0.5-10-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 35. The electrical licensing board (IC 25-14.7-2-1) is a board under IC 25-1-8-6.**

SECTION 7. IC 25-0.5-12-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 16. The electrical licensing board (IC 25-14.7-2-1) is a board under IC 25-1-11.**

SECTION 8. IC 25-14.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

ARTICLE 14.7. ELECTRICIANS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "BAT" means the Bureau of Apprenticeship and Training within the United States Department of Labor.

Sec. 3. "Board" means the electrical licensing board established by IC 25-14.7-2-1.

Sec. 4. "Electrical contracting" means the business of:

- (1) designing;**
- (2) installing;**
- (3) erecting;**
- (4) repairing; or**
- (5) altering;**

electrical wires or conductors to be used for electrical light, heat, power, or signaling purposes for compensation. The term includes the installation or repair of ducts, raceways, or conduits for the reception or protection of wires or conductors and the installation or repair of electrical machinery, apparatus, or systems used for electrical light, heat, power, or signaling.

Sec. 5. "Electrical contractor" means a person that performs electrical contracting.

Sec. 6. "Licensee" means an individual who performs electrical contracting and is licensed under this article.

Sec. 7. "Licensing agency" refers to the Indiana professional



1 licensing agency established by IC 25-1-5-3.

2 Sec. 8. "Person" means an individual, a corporation, a
3 partnership, an association, or another legal entity.

4 Chapter 2. Electrical Licensing Board

5 Sec. 1. The electrical licensing board is established.

6 Sec. 2. (a) The board consists of seven (7) members appointed by
7 the governor as follows:

8 (1) Two (2) individuals who are members of the Associated
9 Builders and Contractors.

10 (2) Two (2) individuals who are members of the Independent
11 Electrical Contractors Association.

12 (3) Two (2) individuals who are members of the National
13 Electrical Contractors Association.

14 (4) One (1) individual who is a member of the Building
15 Industries Association.

16 (b) An individual appointed under subsection (a) must hold a
17 license under this article:

18 (1) for at least five (5) years immediately preceding the
19 appointment of the individual to the board; and

20 (2) during the individual's term on the board.

21 Sec. 3. (a) Each member of the board shall serve a term of four
22 (4) years and until the member's successor is appointed and
23 qualified.

24 (b) A member may not serve on the board for more than two (2)
25 consecutive terms.

26 Sec. 4. (a) The governor may remove a member at any time for
27 incompetency, neglect of duty, or unprofessional conduct.

28 (b) A vacancy in the membership of the board shall be filled by
29 an individual appointed by the governor for the unexpired term.

30 Sec. 5. (a) Each year the board shall elect a member as
31 chairperson and another member as vice chairperson.

32 (b) A member serving as chairperson or vice chairperson shall
33 serve until the member's successor as chairperson or vice
34 chairperson is elected.

35 (c) The chairperson shall preside at all meetings at which the
36 chairperson is present. The vice chairperson shall preside at
37 meetings in the absence of the chairperson and shall perform other
38 duties as the chairperson directs.

39 (d) If the chairperson and vice chairperson are absent from a
40 meeting of the board when a quorum exists, the members who are
41 present may elect a presiding officer who shall serve as acting
42 chairperson until the conclusion of the meeting or until the arrival



1 of the chairperson or vice chairperson.

2 Sec. 6. The board shall meet at least four (4) times each calendar
3 year upon the call of the chairperson or the written request of a
4 majority of the members of the board.

5 Sec. 7. (a) Four (4) members of the board constitute a quorum.

6 (b) An affirmative vote of four (4) members of the board is
7 necessary for the board to take official action.

8 Sec. 8. Each member of the board is entitled to the minimum
9 salary per diem provided by IC 4-10-11-2.1(b). Each member of
10 the board is entitled to reimbursement for travel expenses as
11 provided in IC 4-13-1-4 and other expenses actually incurred in
12 connection with the member's duties, as provided in the state travel
13 policies and procedures established by the Indiana department of
14 administration and approved by the budget agency.

15 Sec. 9. The board shall do the following:

16 (1) Administer, coordinate, and enforce this article.

17 (2) Adopt rules under IC 4-22-2 for the administration and
18 enforcement of this article.

19 (3) Prescribe the requirements for and the form of licenses
20 issued or renewed under this article.

21 (4) Issue, deny, renew, suspend, or revoke licenses under this
22 article.

23 (5) In accordance with IC 25-1-7, investigate and prosecute
24 complaints involving licensees or individuals the board has
25 reason to believe should be licensees, including complaints
26 concerning the failure to comply with this article or rules
27 adopted under this article.

28 (6) Bring actions in the name of the state of Indiana in an
29 appropriate circuit court to enforce compliance with this
30 article or rules adopted under this article.

31 (7) Establish fees in accordance with IC 25-1-8.

32 (8) Inspect the records of a licensee in accordance with rules
33 adopted by the board.

34 (9) Conduct or designate a board member or another
35 representative to conduct public hearings on any matter for
36 which a hearing is required under this article and to exercise
37 all powers granted under IC 4-21.5.

38 (10) Maintain the board's records and files.

39 Sec. 10. The licensing agency shall do the following:

40 (1) Carry out the administrative functions of the board.

41 (2) Provide necessary personnel to carry out the duties of this
42 article.



Chapter 3. Licensing Requirements

Sec. 1. An individual may not perform or offer to perform electrical contracting without a license to perform electrical contracting issued by the board under this article.

Sec. 2. An application for a license to perform electrical contracting must be:

- (1) made to the board on forms provided by the board; and**
- (2) accompanied by an application fee in the amount set by the board.**

Sec. 3. Except as provided in section 6 of this chapter, an individual who applies for a license to perform electrical contracting must:

(1) furnish evidence satisfactory to the board showing that the individual is at least twenty-one (21) years of age;

(2) provide evidence that the individual:

(A) has completed at least twelve thousand (12,000) hours of practical experience in installing equipment and associated wiring related to a license under this article;

(B) has:

(i) received an electrical journeyman certificate from a BAT approved electrical apprenticeship program; and

(ii) completed at least ten thousand (10,000) hours of practical experience installing equipment and associated wiring related to a license under this article;

(C) has:

(i) received an associate's degree from a state accredited program in a field related to electrical contracting; and

(ii) completed at least eight thousand (8,000) practical hours of experience installing equipment and associated wiring related to a license under this article; or

(D) has:

(i) received a four (4) year degree in electrical engineering; and

(ii) completed at least four thousand (4,000) hours of experience installing equipment and associated wiring related to a license under this article; and

(3) pay the fee established by the board.

Sec. 4. An individual applying for a license to perform electrical contracting must apply on a form prescribed and provided by the board.

Sec. 5. An individual who is denied a license under this article has the remedies prescribed under IC 4-21.5.



1 **Sec. 6. The board may grant a license to an applicant who:**

- 2 (1) submits satisfactory evidence to the board that the
3 applicant has been licensed to perform electrical contracting
4 in another state or country under qualifications that are
5 substantially equivalent to the qualifications for licensure
6 under this article; and
7 (2) pays the fee established by the board.

8 **Chapter 4. Renewal of License**

9 **Sec. 1. Notwithstanding IC 25-1-2-2.1, a license issued by the**
10 **board is valid for four (4) years from its date of issuance.**

11 **Sec. 2. An individual who applies to renew a license as an**
12 **electrical contractor shall:**

- 13 (1) file a renewal application with the board;
14 (2) pay a renewal fee established by the board; and
15 (3) meet other requirements established by the board.

16 **Sec. 3. (a) Renewal notices must be sent in accordance with**
17 **IC 25-1-2-6(c).**

18 **(b) The renewal fee must be paid in accordance with**
19 **IC 25-1-8-2(d).**

20 **Sec. 4. If an individual desires to discontinue the practice of**
21 **electrical contracting in Indiana, the individual may select inactive**
22 **status on the renewal form. The board may grant inactive status to**
23 **an individual if the individual:**

- 24 (1) does not profess to the public to possess a license under
25 this article;
26 (2) maintains continuing competency requirements as
27 established by the board; and
28 (3) pays a fee established by the board.

29 **Chapter 5. Discipline and Violations**

30 **Sec. 1. The board may take disciplinary action against a licensee**
31 **for any of the following violations:**

- 32 (1) Violating this article or rules adopted by the board under
33 this article.
34 (2) Making a false or materially misleading representation in:
35 (A) a license application form or renewal form; or
36 (B) information provided to the board.
37 (3) Failing to pay fees or civil penalties required under this
38 article.
39 (4) Communicating to the public false or misleading
40 information concerning the license held.

41 **Sec. 2. The procedures set forth in IC 4-21.5 govern the board's**
42 **conduct of disciplinary hearings.**



1 **Sec. 3. The board may summarily suspend a license for up to**
 2 **ninety (90) days before a final adjudication or during an appeal of**
 3 **the board's determination if the board finds that the licensee**
 4 **represents a clear and immediate danger to the public's health,**
 5 **safety, or property if the licensee is allowed to practice electrical**
 6 **contracting. The summary suspension may be renewed, upon a**
 7 **hearing before the board, for up to ninety (90) days.**

8 **Sec. 4. (a) If the board determines that an individual not**
 9 **licensed under this article is engaged in or believed to be engaged**
 10 **in activities for which a license is required under this article, the**
 11 **board may issue an order to the individual requiring the individual**
 12 **to show cause why the individual should not be ordered to cease**
 13 **and desist from the activities. The show cause order must set forth**
 14 **a date, time, and place for a hearing at which the affected**
 15 **individual may appear and show cause as to why the individual**
 16 **should not be subject to licensing under this article.**

17 **(b) If the board, after a hearing, determines that the activities**
 18 **in which the individual is engaged are subject to licensing under**
 19 **this article, the board may issue a cease and desist order that**
 20 **describes the individual and activities that are the subjects of the**
 21 **order.**

22 **(c) A cease and desist order issued under this section is**
 23 **enforceable in the circuit or superior courts.**

24 **Sec. 5. An individual who knowingly or intentionally:**

- 25 **(1) performs or offers to perform electrical contracting**
- 26 **without being licensed or without being exempt from licensing**
- 27 **under Indiana law;**
- 28 **(2) presents as the individual's own the license of another;**
- 29 **(3) intentionally gives false or materially misleading**
- 30 **information of any kind to the board or to a board member in**
- 31 **connection with licensing matters;**
- 32 **(4) impersonates a licensee;**
- 33 **(5) uses an expired, suspended, or revoked license; or**
- 34 **(6) otherwise violates this article;**

35 **commits a Class B misdemeanor.**

36 **Sec. 6. An individual who applies for and is denied a license or**
 37 **a licensee who is aggrieved by an order or a determination of the**
 38 **board is entitled to a judicial review under IC 4-21.5.**

39 **Sec. 7. The attorney general shall act as the legal adviser for the**
 40 **board and provide any legal assistance necessary to carry out this**
 41 **article.**

42 **SECTION 9. IC 35-52-25-14.5 IS ADDED TO THE INDIANA**



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: **Sec. 14.5. IC 25-14.7-5-5 defines a**
3 **crime concerning electrical contracting.**

